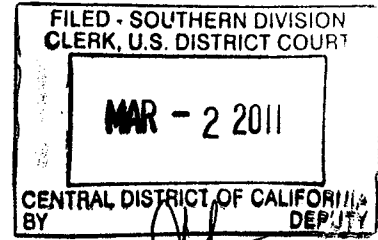


LOGGED

1 [prepared by]
 2 RICHARD G. NOVAK (SBN: 149303)
 3 IRIS ROE LEE (SBN: 259370)
 4 Law Offices of Richard G. Novak
 5 16633 Ventura Blvd., Suite 1200
 6 Encino, CA 91436
 7 818-783-4648 (voice)
 8 818-905-1864 (facsimile)
 9 E-Mail: Richard@RGNLaw.com
 10 Attorneys for WITNESS
 11 RICHARD A. MAIZE



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

12 LEHMAN BROTHERS BANK, FSB,
 13 Plaintiff,
 14 RBC MORTGAGE COMPANY OF
 15 CALIFORNIA AND RBC USA
 16 HOLDCO CORPORATION,
 17 Plaintiff/Intervenors,
 18 v.
 19 PRUDENTIALCALIFORNIA REALTY,
 20 a California Corporation, et al.,
 21 Defendants.

Case No. CV03-2702-DDP (MLGx)
**~~PROPOSED~~ PROTECTIVE
 ORDER RE MATERIALS
 CONTAINED ON HARD DRIVE
 PRODUCED BY WITNESS
 RICHARD A. MAIZE**

22 For the reasons stated in the stipulation of the parties and for good cause
 23 shown, the Court hereby Orders:

24 1) Maize shall immediately authorize the OUSA to produce to the attorneys of
 25 record for Defendants Pickford Realty, Ltd. d/b/a Prudential California Realty
 26 ("Prudential"), Joseph Babajian ("Babajian"), California Title Company (Cal Title)
 27 and William Thomas ("Thomas") and Plaintiffs/Intervenors RBC Mortgage
 28 Company of California and RBC USA Holdco Corporation ("RBC") who have
 executed an Acknowledgement and Agreement (defined below) (collectively,

- 1 “Approved Counsel”) only an exact replica of the Maize hard drive (the Maize hard
2 drive replica) that is presently held as evidence by the IRS;
- 3 2) The contents of the Maize hard drive replica may be initially reviewed only by
4 the Approved Counsel, provided that Approved Counsel execute an
5 Acknowledgment and Agreement to Comply with Terms of Protective Order
6 Governing the Maize Hard Drive (the “Acknowledgement and Agreement”) with the
7 exception that one paralegal or legal assistant for each party may also assist
8 Approved Counsel in the review so long as that individual also executes an
9 Acknowledgement and Agreement;
- 10 3) The Maize hard drive replica and its contents shall be segregated by Approved
11 Counsel from other documents and items produced or obtained by the parties
12 pursuant to discovery in this action and the hard drive itself and any hard copies of
13 its contents shall be maintained in sealed folders designating that the contents of the
14 folders are subject to the Protective Order and may not be provided to, reviewed by
15 or discussed with any person who has not executed an Acknowledgement and
16 Agreement until the parties have complied with all terms of the protocol established
17 below;
- 18 4) All documents or other items extracted from the Maize hard drive replica for
19 review by those authorized to do so shall be bates-stamped in a manner which clearly
20 designates that the document or other item has been taken from the Maize hard drive
21 replica. Approved Counsel will use reasonable efforts to try and create a single
22 bates-stamped review set from documents extracted from the Maize hard drive
23 replica;
- 24 5) With the exception of the Approved Counsel no portion of the contents of the
25 Maize hard drive replica may be provided to, shown to or discussed with the
26 individual defendants (Babajian and Thomas) or the party entities (RBC, Prudential
27 and Cal Title) or their respective officers or directors or other employees or in-house
28

1 counsel for the parties, or any expert, deponent or other third party unless and until
2 the following protocol has been followed;

3 6) No later than March 18, 2011, Approved Counsel shall provide notice to
4 counsel for Maize and the other Approved Counsel of the specific documents the
5 Defendants and the Plaintiffs seek to disclose and utilize in this litigation by
6 providing counsel for Maize and all other Approved Counsel with those specific
7 documents, bates-stamped as provided for above. The Defendants shall provide
8 counsel for Maize with one set of specific documents identified by the Defendants
9 for disclosure.

10 7) Counsel for Maize shall review those documents and notify all Approved
11 Counsel of any objection to disclosure no less than seven (7) days within receipt of
12 those documents from a party. As to each document for which an objection is noted,
13 Maize shall specifically set forth the legal basis for his objection;

14 8) If Maize has no objection to the disclosure of the identified documents, the
15 nonobjectionable documents shall be deemed produced in the litigation. In addition,
16 those nonobjectionable documents may be disclosed to the parties, their in-house
17 counsel, attorneys, officers or directors or other employees of the parties (RBC,
18 Prudential, Babajian, Cal Title and Thomas), or any expert, deponent or any other
19 third party.

20 9) If there is any objection, counsel for Maize and counsel for the party seeking
21 to utilize them shall meet and confer by telephone (the "conference") within 24 hours
22 of Maize's notification of an objection in order to attempt to resolve such objections;

23 10) If the parties cannot resolve such objections without judicial intervention,
24 counsel for Maize shall file with this court within two court days after the conclusion
25 of the conference a Motion for Additional Protective Order (the Motion) setting forth
26 the legal objections to disclosure of documents to which an objection remains. The
27 documents at issue shall be attached to the Motion or otherwise lodged with the
28 Court for *in camera* review. The Motion shall be electronically served on counsel

1 for the party seeking to utilize the documents. The party seeking to utilize the
2 documents shall file and electronically serve a Response within 24 hours of service
3 of the Motion. Any Reply shall be filed and electronically served within 24 hours of
4 service of the Response. The Motion and any Response or Reply shall be filed under
5 seal in compliance with Local Rule 79-5;

6 11) Documents subject to any Motion shall not be provided to, disclosed to or
7 discussed with any attorney, party, witness or or other individual until the Court has
8 ruled upon the Motion;

9 12) If the volume of documents subject to the protocol outlined above is so
10 voluminous as to make the time-periods set forth impractical, Maize may apply *ex*
11 *parte*, subject to this Court's Local Rules, for an order modifying the time-period
12 provisions set forth above;

13 13) All parties and Maize each retain the right to argue in connection with any
14 Motion filed by Maize, as provided for above, that a document is or is not
15 discoverable under the Federal Rules of Civil Procedure or California Rules of Civil
16 Procedure, including, but not limited to, the extent to which any Constitutional,
17 statutory or common law privilege may or may not govern the discoverability of a
18 document at issue;

19 14) Nothing herein prevents any party from making a motion with the Court to
20 modify the Protective Order if there is good cause which requires a change to the
21 Protective Order.

22 15) Willful violations of the provisions of the Protective Order may result in
23 imposition of sanctions.

24 IT IS SO ORDERED.

25 DATED: 3/2/11


MARC L. GOLDMAN

United States Magistrate Judge